

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2022 Regular Session
Legislative Fiscal Office

Measure: HB 4120 -MRA

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Authorizes court to waive minimum fine in violation proceedings in certain circumstances.

Government Unit(s) Affected:

Oregon Judicial Department (OJD), Counties, Cities

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

This measure authorizes courts to waive a minimum fine in whole or part after consideration of the financial resources of the defendant and burden the payment would impose, with due regard to the other obligations of the defendant, and the extent to which that burden could be alleviated by allowing the defendant to pay the fine in installments. Currently, state law does not allow reductions of violation fines to an amount that is less than minimum statutorily prescribed amount. This measure allows for the highest applicable single filing fee regardless of whether the petition requests multiple fiduciaries or protective orders, prohibits courts from charging or collecting a fee for filing an amended small estate affidavit, and permits courts to accept a petition for habeas corpus without charging a filing fee if the petition is supported by a declaration under penalty of perjury that the person is unable to pay such fees. This section of the measure becomes operative January 1, 2023 and the Oregon Judicial Department (OJD) may act before the operative date, if necessary.

Lastly, this measure gives the Chief Justice authority to direct or permit court appearances by telephone, other two-way electronic communication devices or simultaneous electronic transmission and allows a person to request an in-person appearance. If an in-person appearance is requested, the presiding judge shall order an in-person appearance. This measure declares emergency, effective upon passage.

OJD reports the fiscal impact of this measure to be indeterminate at this time. The agency reports this measure is unclear as to the timeframe of when an individual can request an in-person appearance. If an individual requests an in-person appearance the day of, it could cause expert witnesses, interpreters, lawyers, and other parties to be unavailable to appear in-person. In those circumstances, OJD reports that this would require the court to reschedule the proceeding and would result in additional costs. OJD also anticipates additional workload for the Chief Justice, presiding judges, and court staff to facilitate remote proceedings and to account for day of requests to appear in person. Due to the unknown number of individuals that will request an in-person proceeding and how many requests will be day of, the fiscal impact of this measure is indeterminate.

There is no fiscal impact for cities or counties.